



# **MINUTES OF THE COMMON COUNCIL**

**TUESDAY, May 6, 2014, 7:00 P.M.**

**COUNCIL CHAMBERS**

**Room 203, CITY HALL**

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Tony Wachewicz. Alderpersons: J. Wiezbiskie, Thomas DeWane, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, M. Steuer. Excused: B. Danzinger, T. Sladek. Tardy: A. Nicholson, G. Zima.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to approve the minutes of the April 15, 2014, meeting. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to approve the agenda. Motion carried.

## **REPORT BY THE MAYOR**

Mayor Schmitt gave an update on Ald. Sladek.  
He also reminded everyone that the Cellcom Marathon is on May 18.

## **PETITIONS & COMMUNICATIONS**

### **IMPROVEMENT & SERVICE COMMITTEE**

Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. Allied Concrete Construction, Inc.
- B. Melnarik Concrete, Inc.
- C. Howard Immel, Inc.
- D. Jim Fischer, Inc.
- E. Precision Flatwork
- F. Evraets Concrete
- G. Tilleman Construction
- H. Ken's Concrete
- I. Tom Phillips Construction, Inc.

Application for an Underground Sprinkler System License by Lizer Lawn Care.

### **LAW DEPARTMENT**

Request by Ald. Wiezbiskie to develop a cell phone ordinance regulating cell phone use in the City of Green Bay.

### **PARK COMMITTEE**

Request by Ald. Wery to begin the discussion of selling naming rights to Colburn Pool and/or other parts of the facility.

Request by Ald. Wery to review, with possible action, the City's signage policy at baseball diamonds used by various little league programs.

### **PERSONNEL COMMITTEE**

Request by Ald. Thomas DeWane to discuss, with possible action, hiring outside consultant to study the Green Bay Police Department organization and discuss any cost savings the consultant may bring forward at a later committee meeting.

### **PLAN COMMISSION**

Request by Ald. Wiezbiskie that the Planning Department address issues for proper codes to enforce excessive grading and elevation changes for residential properties.

### **PROTECTION & WELFARE COMMITTEE**

Request by the owners of Napalese Lounge, 1351 Cedar Street, to add an additional 10 feet of patio area and a raised planter at the edge as part of their licensed premises.

Application for an available "Class B" Combination License by sissypants!jakes, LLC at 112 S. Broadway for the balance of the license year and the 2014-2015 license year.

Application for a "Class B" Combination License by Heath Hermans at 700 Bodart Street for the 2014-2015 license year. (Transfer from The Cover, LLC)

Application for an Entertainment Facility License by Knutson Ventures, LLC at 1464 Main Street.

Application to keep three dogs at 458 Menlo Park Road.

Applications for various liquor/beer licenses for the 2014-2015 license year.

Application for an available "Class B" Combination License by Taqueria Maldonado's Main Street, Inc. at 1706 Main Street, for the balance of the license year and the 2014-2015 license year.

Request by Ald. Wery to review the "Hook and Ladder" Program with possible action. (Possible closed session.)

#### REDEVELOPMENT AUTHORITY

Request by Ald. Steuer to work on getting a site for a potential downtown resource center, with respect to the specifications put forth by the HOPE Task Force on Homelessness.

#### TRAFFIC COMMISSION

Request by Ald. Tim DeWane for a stop sign at the intersection of Heyrman and Louise Streets.

Moved by Ald. Moore, seconded by Ald. Scannell to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

#### REPORTS FOR COUNCIL ACTION

### **REPORT OF THE GREEN BAY PLAN COMMISSION May 6, 2014**

The Green Bay Plan Commission, having met on Monday, April 21, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve a Conditional Use Permit (CUP) to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District, at 607 Liberty Street, subject to:

- a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional use permit, including standard site plan review and approval
  - b. The limitation of one silo not to exceed 105 feet in overall height
2. To deny a Conditional Use Permit (CUP) for a Transient Residential use located at 1254 Shadow Lane.
3. To approve a Conditional Use Permit (CUP) to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District, at 1530 North Bylsby Avenue, J.P. Pulliam Power plant, subject to:
  - a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional use permit, including standard site plan review and approval
  - b. The limitation of one silo not to exceed 105 feet in overall height
4. To approve a Conditional Use Permit (CUP) to construct a detached garage beyond the maximum size and height requirements found in Chapter 13-615, Table 6-4, in a Low Density Residential (R1) District located at 3391 Nicolet Drive, submitted by Lloyd Carpenter, architect on behalf of Brian Michaud, property owner, subject to:
  - a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
  - b. Continuance of similar style of architecture, exterior construction material, and color of the structure.
5. To approve a modification (variance) from section 14-727 of the Subdivision and Platting Ordinance to allow for a land division not be located on a public street for a parcel currently addressed at 920 Packerland Drive.
6. To approve the discontinuance of three 12-foot utility easements for a property at 920 Packerland Drive.
7. To approve the request to Amend Chapter 13 table 6-2 as follows (emphasis added):

	RR	R-1	R-2	R-3
<b>Building Setback Requirements (feet)</b>				
Side Yard <sup>e,f,i</sup>	6/8 ea <sup>j</sup>	6/8 ea <sup>j</sup>	6 ea	
10 ea <sup>j</sup>				

- j. **For single and two family uses**, 6 feet for a single story, 8 feet for a story and a half or greater.

8. To approve the request to amend Chapter 13-605(c)(5) to include the following (emphasis added):
- 13-605. Unserviced lots, RR District.** All lots developed without city sewer and public water service shall meet the following standards:
- (c) (Amd. GO 38-08) The 10-acre limit in the RR District may be reduced subject to the following development standards:
- (1) It is relatively similar to other existing parcels in the area.
  - (2) An area development plan is submitted and approved for the remaining property and the parcel being created.
  - (3) All efforts should be taken to insure that the existing home and lot will:
    - a. Comply with future setbacks.
    - b. Fit with the surrounding future development and the parcels future development.
    - c. Provides for existing utilities, septic and well currently servicing the home.
  - (4) Lot size will be determined by the Planning Commission based on a reasonable determination of the area development plan and future lot lines.
  - (5) Remnant parcel shall not be less than 10 acres, **except in cases where a remnant parcel is part of a division of land for the purposes of acquisition of public property and/or public use.**
  - (6) The maximum lot to be created should not be greater than 2.5 acres.
  - (7) The land division should meet all remaining standards of Ch. 14, Subdivision and Platting, Green Bay Municipal Code.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

## **REPORT OF THE TRAFFIC COMMISSION May 6, 2014**

The Traffic Commission having met Monday, April 14, 2014, considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the report by the Police Department of the 2014 1<sup>st</sup> quarter serious injury and fatality crashes.
2. To receive and place on file the request to conduct a traffic study of the Durham Road and Wiggins Way intersection for consideration of a 2-WAY YIELD condition on Durham Road due to an increase in traffic volume.
3. For DPW staff to conduct a speed and traffic count study of the intersection of Eliza Street at Roosevelt Street.

4. To refer to DPW staff the request to remove the NO PARKING TO CORNER signs on the northwest corner of Mills Street and Henry Street, to make parking on both streets legal on that corner.
5. To receive and place on file the request for discussion with possible action to make improvements for pedestrian safety around Franklin Middle School, specifically Lore Lane.
6. To receive and place on file the request to review the visibility of the traffic signal displays from the stop line over South Ashland Avenue at West Mason Street.
7. To remove and adopt by ordinance the 2-HOUR 7 AM TO 7 PM DAILY zone on the south side of Basten Street from a point 95 feet east of Henry Street to Mech Street.
8. To establish and adopt by ordinance a 2-HOUR 7 AM TO 7 PM DAILY zone on the south side of Basten Street from a point 95 feet east of Henry Street to a point 150 feet east of Mech Street.
9. To remove and adopt by ordinance the NO PARKING zone on both sides of Mech Street from Basten Street to a point 60 feet north of Basten Street.
10. To establish and adopt by ordinance a NO PARKING zone on the west side of Mech Street from Basten Street to a point 60 feet north of Basten Street.
11. To establish and adopt by ordinance a NO PARKING zone on the east side of Mech Street from Basten Street to a point 135 feet north of Basten Street.
12. To remove and adopt by ordinance the 4-HOUR 7 AM TO 4 PM MONDAY THROUGH FRIDAY zone on both sides of Mech Street from a point 60 feet north of Basten Street to a point 135 feet south of Van Deuren Street.
13. To establish and adopt by ordinance a 4-HOUR 7 AM TO 4 PM MONDAY THROUGH FRIDAY zone on the west side of Mech Street from a point 60 feet north of Basten Street to a point 135 feet south of Van Deuren Street.
14. To establish and adopt by ordinance a 4-HOUR 7 AM TO 4 PM MONDAY THROUGH FRIDAY zone on the east side of Mech Street from a point 135 feet north of Basten Street to a point 135 feet south of Van Deuren Street.
15. To establish and adopt by ordinance a NO PARKING 7 AM TO 4 PM SCHOOL DAYS zone on the south side of Basten Street from Newtols Street to a point 135 feet west of Spinnaker Lane.

16. To establish and adopt by ordinance a NO STOPPING OR STANDING 7 AM TO 4 PM SCHOOL DAYS zone on the north side of Basten Street from a point 115 feet west of Spinnaker Lane to Spinnaker Lane.
17. To establish and adopt by ordinance a NO STOPPING OR STANDING 7 AM TO 4 PM SCHOOL DAYS zone on both sides of Spinnaker Lane from Basten Street from a point 75 feet north of Basten Street.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the report with the exception of Item #3. Motion carried.

Moved by Ald. Moore, seconded by Ald. Wiezbiskie to adopt Item #3.

Moved by Ald. Tim DeWane, seconded by Ald. Wery to amend Item #3 to read "speed, traffic and pedestrian count". Motion carried.

Moved by Ald. Tim DeWane, seconded by Ald. Moore to adopt Item #3 as amended. Motion carried.

### **REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE May 6, 2014**

The Improvement and Service Committee, having met on April 30, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the election of Ald. Brian Danzinger as Chair and Ald. Joe Moore as Vice-Chair of the Improvement and Services Committee.
2. To receive and place on file the request by Sue Doroba, on behalf of Peace United Methodist Church, for a third garbage cart at 919 Schwartz Street.
3. To approve the request by Garritt Bader to allow overnight on-street parking for three (3) residents from April 1 to August 15, 2014 to accommodate construction of the Whitney Park Townhouses.
4. To approve the request by Adams Street Pub and Grill to establish an agreement for placement of dumpsters in the Cherry Street Ramp dumpster enclosure from May through August of each year and authorize the Mayor and Clerk to sign said agreement.
5. To approve the request by the Fritsch Park Neighborhood Association to place a neighborhood identification sign on City property on the northeast corner of W. Mason Street and La Count Road subject to final location approval by the Department of Public Works, the execution of a Hold Harmless Agreement, and the submission of appropriate insurance.

6. To receive and place on file the request by Ald. Boyce, on behalf of Foxy Lady Cruises, for an update and review of Foxy Lady Agreements, with possible action in regards to docking facilities and handicap access.
7. To approve the request by Ald. Wiezbiskie, on behalf of Timm Schaetz, for street lights near Hart Design & Mfg/University Heights Business Park and request a street light study be conducted by Department of Public Works staff.
8. To receive and place on file the request by Ald. Wiezbiskie, on behalf of John Blom, to correct the drainage and water problems at 2824 Nicolet Drive.
9. To receive and place on file the report on what the City does for flooding prevention on a yearly basis and how this can affect floodplain designations.
10. To receive and place on file the report of the solid waste disposal policy for multi-family properties, specifically those with six or more livable units.
11. To receive and place on file the request by Ald. Tim DeWane for an update on street improvements and repairs in District 4.
12. To approve the request by Department of Public Works to order CN Railroad to repair/replace the following crossings pursuant to §86.12 of Wisconsin Statutes:
  - A. Henry Street approximately 300 feet north of Morrow Street
  - B. Farlin Avenue approximately 730 feet west of Elizabeth Street
  - C. Lombardi Avenue approximately 150 feet east of Ashland Avenue
13. To approve the request by the Department of Public Works to contract with Ayres Associates to complete Professional Engineering Services for Bay Beach Amusement Park Green Infrastructure Parking Lot at a cost of \$32,780.00 and authorize the Director of Public Works to sign the agreement.
14. To approve the Department of Public Works 2013 Annual Report.
15. To approve the report of the Purchasing Agent:
  - A. To award chemical root treatment to the low, responsive vendor, Duke's Root Control, Inc., in the amount of \$38,211.79.
  - B. To award the 2014 contract for mudjacking to Badger Concrete Lifting for \$29,475, with options for three 1-year renewals by mutual agreement.
16. A. To approve to award RESURFACING 1-14 to the low, responsive bidders:
  - Part A to Martell Construction in the amount of \$297,800.00.
  - Part B to Northeast Asphalt, Inc. in the amount of \$1,278,150.00.



- B. To approve to award SEWERS 1-14 (INCLUDING WATER MAIN) to the low, responsive bidder, Feaker & Sons Co., Inc., in the amount of \$653,110.85.
- 17. To receive and place on file the report of the award of the emergency sanitary repair work in association with Brown County reconstruction of Oneida Street (CTH AAA) from Lombardi Avenue south to Potts Avenue to DeKeyser Construction, Co., in the amount of \$12,404.00.
- 18. To approve the application for Tree and Brush Trimmer License by A to Z Tree Service LLC.
- 19. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:
  - A. Bed Rock Concrete
  - B. E & I Concrete Construction
  - C. Frank O. Zeise Construction Co., Inc.
  - D. Helmle Construction, Inc.
  - E. J.C. Santy Construction, LLC.
  - F. Kpc Concrete Contractors, LLC..
  - G. Northern Concrete Construction, Inc.
  - H. R.G. Hendricks & Sons Construction, Inc.
  - I. Ray Jaeger Construction, Inc.
  - J. Shier Construction
- 20. To approve the application for the Underground Sprinkler System License by The Sprinkler Company.
- 21. To order in asphalt pavement resurfacing improvements and levy special assessments on the following streets: Atkinson Drive- Hurlbut Street to cul-de-sac north.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the report with the exception of Item #12. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt Item #12. Motion carried.

## **REPORT OF THE PARK COMMITTEE**

May 6, 2014

The Park Committee, having met on Wednesday, April 30, 2014, considered all matters on its agenda and wishes to report and recommend the following:

- 1. To approve Ald. Wiezbiskie for Chairman and Ald. Nennig for Vice Chairman.

2. To accept the donation of plants and planting materials from Thrivent Financial to be installed at Bay Beach Amusement Park contingent upon:
  - Staff supervision of the project;
  - All insurances and hold harmless agreements being obtained;
  - All costs of plants, landscape materials, and labor will be the responsibility of Thrivent Financial.
3. A. To approve the request to purchase a new 2014 Bobcat 5610 tool carrier from Bobcat Plus Inc. for \$51,153.  
  
B. To approve the request to purchase a new 2014 Vermeer SC802 stump cutter from Vermeer Wisconsin Inc. for \$41,980.
4. To accept a \$9,800 donation from the Baird Creek Preservation Foundation to donate and plant trees on recently-acquired property behind McAuliffe Park in the Baird Creek Greenway contingent upon:
  - Baird Creek Preservation Foundation will be responsible for all costs of purchasing and planting the trees;
  - All proper permits, insurances, and hold harmless agreements being obtained;
  - Staff approval of species and placement of trees;
  - Staff supervision of the project.
5. To approve the Baird Creek Preservation Foundation Urban Conservation Capacity grant projects located in the Baird Creek Greenway contingent upon all proper permits, insurances, and hold harmless agreements being obtained with the exception of the prairie burn project which will need to come back to the Park Committee for final approval.
6. To approve the request by the Baird Creek Preservation Foundation to conduct a garlic mustard study on the recently-acquired Baird Creek Preserve property contingent upon:
  - All proper permits, insurances, and hold harmless agreements being obtained;
  - Baird Creek Preservation Foundation will be responsible for all materials and expenses;
  - Staff approval of all products and materials being used and location of the study;
  - Removal of fencing materials upon completion of study.
7. To approve the lease agreement with the Green Bay Baseball LLC (Bullfrogs) for lease of the premises located at 315 S. Baird Street.
8. To approve the request to apply for a DNR stewardship grant and a resolution of support for that grant to purchase properties located at 535 St. George Street (Parcel 7-666) and 529 St. George Street (Parcel 7-667) for the East River Trail expansion.

9. To receive and place on file a request by Ald. Nicholson on behalf of the Wilder Neighborhood Association to place a community garden at Wilder Park.
10. A. To receive and place on file a request by Ald. Wery to officially approve a new or rebuilt Colburn Pool as a City priority and project.  
  
B. To direct staff to seek Requests for Proposals for a pool consultant to develop concepts for the Colburn Park Pool, to allow staff to coordinate cost-sharing options with the Friends of Colburn Park Pool, and report back to the Park Committee.
11. To approve the resolution to officially acknowledge the Friends of Colburn Park Pool as an advocacy and fundraising part of the Green Bay City Parks Department contingent upon the group securing a reputable financial institution that would be responsible for the collection, accountability of handling donations, and securing the funds.
12. To receive and place on file the Director's Report.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Item #10B. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Nennig to adopt Item #10B.

Moved by Ald. Wery, seconded by Ald. Moore to suspend the rules to allow interested parties to speak. Motion carried.

The following people spoke in favor of Item #10B:

Wendy Willems, 1712 S. Agnes Drive, President of Friends of Colburn Park Pool,

Olivia Crooks, 2763 Whippoorwill Drive,

Dave Korst, 2732 Parkwood Drive, Director of Competitive Swimming for the Green Bay YMCA,

Dale Tease, 1110 Colonial Avenue, President of the Colburn Neighborhood Association.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to return to the regular order of business. Motion carried.

A vote was then taken on the motion to adopt Item #10B. Motion carried.

## **PROTECTION & WELFARE COMMITTEE REPORT**

### **May 6, 2014**

The Protection & Welfare Committee, having met on Monday, April 21, 2014 considered all matters on the agenda and wishes to report and recommend the following:

1. All members voted in favor of Ald. Wery being Chairman.  
  
All members voted in favor of Ald. Tim De Wane being Vice-Chairman.
2. To approve the application for a Class "A" Beverage License by Maribella Vargas at 1695 Main Street, with the approval of proper authorities.

3. To approve the application for one of nine "Class B" Combination License by Green Bay Baseball LLC at 1450 E. Walnut Street, with the approval of proper authorities.
4. To approve the request by the owners of Jill's Bar, 613 Bodart Street, to hold outdoor events on July 19 and June 30, 2014. The approval of the request is subject to complaint.
5. To approve the notice of change of agent for Richard Craniums LLC at 840 S. Broadway.
6. To approve the request by Green Bay Sportservice, Inc. to amend their liquor license at 1265 Lombardi.
7. To receive and place on file the appeal by Shellie Brice to the denial of her Public Vehicle Operator License.

Moved by Ald. Wiezbiskie, seconded by Ald. Wery to adopt the report with the exception of Item #4. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt Item #4. Motion carried.

**REPORT OF THE PROTECTION AND WELFARE COMMITTEE  
GRANTING OPERATOR LICENSES  
May 6, 2014**

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

**OPERATOR LICENSES**

Adams, Rebekah R  
Bell, Stevie A  
Chavarria, Mark E  
Cisler, Sandra J  
Crane, Ashley R  
Dudley, Brian A  
Frigge, Jessica C  
Fye, Elyisha M  
Hendricks, Earl R  
Masuca, Nicole M  
Nuss, Darwin L  
Ostrand, Russell V

Reynard, Janice L  
Ritchie, Joseph R  
Schwartz, Jacques S  
Stein, Gideon J  
Tushoski, Edward J  
Whorley, Alexander J  
Wolter, Jacob C

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

### **RECEIVE & PLACE ON FILE**

Trial Balance Report for March, 2014.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to receive the report and place it on file. Motion carried.

### **RESOLUTIONS**

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to suspend the rules for the purpose of adopting all of the resolutions with one roll call vote. Motion carried.

### **FINAL PAYMENTS RESOLUTION MAY 6, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

**1. SEWERS 4-13 (INCLUDING WATER MAIN) PART A**

**PTS Contractors, Inc.**

TOTAL AMOUNT EARNED:	\$1,048,126.88
LESS AMOUNT RETAINED:	\$ <u>0.00</u>
	\$1,048,126.88
LESS AMOUNT PREVIOUSLY PAID:	<u>\$1,003,606.82</u>
<b>AMOUNT DUE THIS ESTIMATE:</b>	<b>\$ 44,520.06</b>

**ACCOUNT NUMBERS**

501-00-000-000-12201-000000-000-63013: \$995.35  
403-50-500-502-55355-000000-000-63013: \$34,876.69  
412-50-500-501-55355-000000-000-63013: \$8,648.02  
PO #105376

**2. SEWERS 4-13 (INCLUDING WATER MAIN) PART B**

**Visu-Sewer, Inc.**

TOTAL AMOUNT EARNED:	\$ 425,755.58
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 425,755.58
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 388,942.74</u>
AMOUNT DUE THIS ESTIMATE:	\$ 36,812.84

**ACCOUNT NUMBERS**

**403-50-500-502-55355-000000-000-63023: \$36,812.84**  
**PO #105377**

**3. SEWERS 1-13 (INCLUDING WATER MAIN) PART A**

**David Tenor Corporation**

TOTAL AMOUNT EARNED:	\$ 419,643.08
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 419,643.08
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 383,969.55</u>
AMOUNT DUE THIS ESTIMATE:	\$ 35,673.53

**ACCOUNT NUMBERS**

**501-00-000-000-12201-000000-000-63033: \$1,403.50**  
**403-50-500-502-55355-000000-000-63033: \$15,615.81**  
**412-50-500-501-55355-000000-000-63033: \$18,654.22**  
**PO #105348**

**4. SEWERS 1-13 (INCLUDING WATER MAIN) PART B**

**David Tenor Corporation**

TOTAL AMOUNT EARNED:	\$ 346,545.73
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 346,545.73
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 312,867.05</u>
AMOUNT DUE THIS ESTIMATE:	\$ 33,678.68

**ACCOUNT NUMBERS**

**501-00-000-000-12201-000000-000-63043: \$11,288.80**  
**403-50-500-502-55355-000000-000-63043: \$7,440.76**  
**412-50-500-501-55355-000000-000-63043: \$14,949.12**  
**PO #105349**

**5. SEWERS 1-08 (INCLUDING WATER MAIN)**

**Jossart Brothers, Inc.**

TOTAL AMOUNT EARNED:	\$ 898,975.19
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 898,975.19
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 893,975.19</u>
AMOUNT DUE THIS ESTIMATE:	\$ 5,000.00

**ACCOUNT NUMBERS**

**412-50-500-501-55355-000000-000-13018: \$5,000.00**

**PO #103614**

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

**RESOLUTION APPROVING THE  
DUMPSTER PLACEMENT AGREEMENT WITH  
ADAMS STREET PUB AND GRILL  
May 6, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Adams Street Pub and Grill to establish an agreement for placement of dumpsters in the Cherry Street Ramp dumpster enclosure from May through August of each year and authorize the Mayor and Clerk to sign said agreement.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION REQUIRING THE REPAIR OF  
AT-GRADE RAILROAD CROSSINGS

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, HENRY STREET, a public street in the City of Green Bay, crosses the tracks of the Canadian National Railroad at-grade approximately 300 feet north of Morrow Street, having crossing number 281409D; and

WHEREAS, FARLIN AVENUE, a public street in the City of Green Bay, crosses the tracks of the Canadian National Railroad at-grade approximately 730 feet west of Elizabeth Street, having crossing number 281405B; and

WHEREAS, LOMBARDI AVENUE, a public street in the City of Green Bay, crosses the tracks of the Canadian National Railroad at-grade approximately 150 feet east of Ashland Avenue, having crossing number 180095E; and

WHEREAS, § 86.12(1) of the Wisconsin Statutes requires railroads to maintain public at-grade crossings in good condition and repair for public travel; and

WHEREAS, the Henry Street, Farlin Avenue, and Lombardi Avenue crossings are not in good condition and repair for public travel because of failed crossing materials; and

WHEREAS, the City of Green Bay requires that the Canadian National Railroad pave, plank, repair, change or otherwise improve the crossings, as the needs require.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Green Bay hereby directs the City Clerk to serve a copy of this resolution upon the Canadian National Railroad requiring the railroad to repair the rail-highway crossings at Henry Street, approximately 300 feet north of Morrow Street; Farlin Avenue, approximately 730 feet west of Elizabeth Street; and Lombardi Avenue, approximately



150 feet east of Ashland Avenue; with the tracks of the Canadian National Railroad in the City of Green Bay, Brown County, Wisconsin.

BE IT FURTHER RESOLVED, that in the event the Canadian National Railroad fails to repair the rail-highway crossing within 30 days after service of the resolution, the Common Council of the City of Green Bay hereby directs city staff to take all necessary steps to petition the Office of the Commissioner of Railroads for an investigation and order for the repair of the rail-highway crossings of Henry Street, approximately 300 feet north of Morrow Street; Farlin Avenue, approximately 730 feet west of Elizabeth Street; and Lombardi Avenue, approximately 150 feet east of Ashland Avenue; with the tracks of the Canadian National Railroad in the City of Green Bay, Brown County, Wisconsin.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION AUTHORIZING  
RELEASE OF EASEMENT RIGHTS  
AT 920 PACKERLAND DRIVE

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the Mayor is hereby authorized to release the City's rights to three 12-foot utility easements at 920 Packerland Drive (Tax Parcel Number 6H-1745) as depicted on the attached map.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

**RESOLUTION APPROVING  
FRITSCH PARK NEIGHBORHOOD ASSOCIATION  
TO PLACE A NEIGHBORHOOD IDENTIFICATION  
SIGN ON CITY PROPERTY  
HOLD HARMLESS AGREEMENT  
May 6, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by the Fritsch Park Neighborhood Association to place a neighborhood identification sign on City property on the northeast corner of W. Mason Street and La Count Road subject to final location approval by the Department of Public Works, the execution of a Hold Harmless Agreement, and the submission of appropriate insurance.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION AUTHORIZING APPLICATIONS  
FOR OUTDOOR RECREATION AIDS FOR THE  
EAST RIVER TRAIL – ST. GEORGE STREET ACQUISITIONS

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the City of Green Bay is interested in acquiring lands for public outdoor recreation purposes as described in the attached application; and

WHEREAS, the project is described as the East River Trail – St. George Street Acquisitions, described in detail on the attached application cover sheet and map; and

WHEREAS, financial aid is required to carry out the project.

NOW, THEREFORE, BE IT RESOLVED that the City of Green Bay has budgeted a sum sufficient to complete the project or acquisitions and hereby authorizes the Director of Parks, Recreation and Forestry Department, or a designee, to act on behalf of the City of Green Bay to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims, along with necessary supporting documentation, within six months of the project completion date;
- Submit signed documents; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Green Bay will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION IN SUPPORT OF  
FRIENDS OF COLBURN PARK POOL, INC.

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, Enos Colburn Park ("Colburn") is one of many excellent parks managed by the City of Green Bay; and

WHEREAS, the funding to maintain and improve Colburn comes from tax dollars; and

WHEREAS, the City of Green Bay is limited in the amount of tax dollars it can allocate to maintain and improve Colburn; and

WHEREAS, Friends of Colburn Park Pool, Inc., is a non-profit group that has an interest in the maintenance and improvement of Colburn Park and its amenities; and

WHEREAS, Friends of Colburn Park Pool, Inc., wishes to provide supplemental funding to the City of Green Bay in order to maintain and improve Colburn; and

WHEREAS, additional funding from Friends of Colburn Park Pool, Inc., would allow the City of Green Bay to perform maintenance on and make improvements to Colburn that the City desires to do but lacks adequate funding.

NOW, THEREFORE, BE IT RESOLVED that the City of Green Bay hereby recognizes "Friends of Colburn Park Pool, Inc." as an official funding partner for maintenance and improvements at Enos Colburn Park.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 607 LIBERTY STREET  
(ZP 14-09)

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 14-09 and the recommendation of the Plan Commission on April 21, 2014, the City of Green Bay recommends approval of the request for a conditional-use permit to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District on the following described property at 607 Liberty Street:

LOT 1 OF 22 CSM 126 BNG PRT OF LOTS 2, 3 & 6  
CLA TANKS SUBD OF PC 12 & N ½ OF PC 13 WSFR (Tax  
Parcel Number 1-1413-2)

Said conditional-use permit shall be granted subject to the following conditions:

a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional-use permit, including standard site plan review and approval.

b. The limitation of one silo not to exceed 105 feet in overall height.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 1530 NORTH BYLSBY AVENUE  
(ZP 14-14)

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 14-14 and the recommendation of the Plan Commission on April 21, 2014, the City of Green Bay does authorize a conditional-use permit to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District on the following described property at 1530 North Bylsby Avenue:

MILITARY RESERVE LOT 17 31 ACRES SPECIAL  
ASSESSMENT (Tax Parcel Number 6-11)

Said conditional-use permit shall be granted subject to the following conditions:

a. Compliance with all of the regulations of the Green Bay

Municipal Code not covered under the conditional-use permit, including  
standard site plan review and approval.

b. The limitation of one silo not to exceed 105 feet in overall height.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION AUTHORIZING CONDITIONAL-USE  
APPROVAL AT 3391 NICOLET DRIVE  
(ZP 14-16)

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 14-16 and the recommendation of the Plan Commission on April 21, 2014, the City of Green Bay does authorize a conditional-use permit for construction of a detached garage beyond the maximum size and height requirement found in Ch. 13-615, Table 6-4, Green Bay Municipal Code, in a Low Density Residential (R1) District on the following described property at 3391 Nicolet Drive:

PART GOVT LOT 2 SEC 12 T24N R21E COM  
INSECTN N/L & W/L NICOLET ROAD SLY ALG ROAD 120  
FT TO POB CONT SLY 60 FT W TO BAY SHORE NLY 60  
FT E TO POB (Tax Parcel Number 22-59-5)

Said conditional-use permit shall be granted subject to the following conditions:

a. Compliance with all of the regulations of the Green Bay  
Municipal Code not covered under the conditional-use permit, including  
standard site plan review and approval.

b. Continuance of similar style of architecture, exterior construction  
material, and color of the structure.

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore,  
Scannell, Wery, Steuer. Noes: None. Motion carried.

RESOLUTION AUTHORIZING  
A VARIANCE FROM SECTION 14.727,  
SUBDIVISION AND PLATTING,  
GREEN BAY MUNICIPAL CODE,  
TO ALLOW FOR A LAND DIVISION NOT  
TO BE LOCATED ON A PUBLIC STREET  
FOR PARCEL CURRENTLY ADDRESSED  
AS 920 PACKERLAND DRIVE  
(VR 14-01)

May 6, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Variance Request 14-01 and the recommendation of the Plan  
Commission on April 21, 2014, the City of Green Bay does authorize a variance from



Section 14.727, Subdivision and Platting, Green Bay Municipal Code, to allow for a land division not to be located on a public street on the following described parcel currently addressed as 920 Packerland Drive:

PARCELS 1 & 2 OF 5 CSM 147 & OUTLOT 1 OF 11  
CSM 59 BNG PRT OF LOTS 42, 43, 44 & 45 1ST ADDN TO  
PACKERLAND SUBD (Tax Parcel Number 6H-1745)

Adopted May 6, 2014

Approved May 7, 2014

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

Moved by Ald. Wery, seconded by Ald. Scannell to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

## **ORDINANCES - FIRST READING**

GENERAL ORDINANCE NO. 10-14

AN ORDINANCE  
AMENDING CHAPTER 13-605(c)(5),  
GREEN BAY MUNICIPAL CODE,  
RELATING TO REMNANT PARCELS  
(TA 14-03)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 13-605(c)(5), Green Bay Municipal Code, is hereby amended as follows:

**13-605. Unserviced lots, RR District.** All lots developed without city sewer and public water service shall meet the following standards:

(c) (Amd. GO 38-08) The 10-acre limit in the RR District may be reduced subject to the following development standards:

(5) Remnant parcel shall not be less than 10 acres, **except in cases where a remnant parcel is part of a division of land for the purposes of acquisition of public property and/or public use.**

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Nennig, seconded by Ald. Scannell to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 11-14

AN ORDINANCE  
AMENDING CHAPTER 13, TABLE 6-2,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO LOT DIMENSION AND  
SETBACK REQUIRMENTS IN  
RESIDENTIAL DISTRICTS  
(TA 14-02)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 13-604, Table 6-2, Green Bay Municipal Code, is hereby amended as follows:

**13-604. Lot dimension and building bulk requirements.** Lot area and setback requirements shall be as specified in Table 6-2, Lot Dimension and Setback Requirements.

**Table 6-2. Lot Dimension and Setback Requirements, Residential Districts**

	RR	R-1	R-2	R-3
<b>Building Setback Requirements (feet)</b>				
Front Yard	20 <sup>c,h</sup>	15 <sup>c,h</sup>	15 <sup>c,h</sup>	15 <sup>c,h</sup>
Side Yard <sup>e, f,i,j</sup>	6/8 ea. <sup>j</sup>	6/8 ea. <sup>j</sup>	6 ea.	10 ea. <sup>j</sup>
Rear Yard	25	25	25	25
Garages (attached)	25	20	20	20

Notes to Table 6-2:

j. **For single and two-family uses**, 6 feet for a single story, 8 feet for a story and a half or greater.

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_,  
2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Nennig, seconded by Ald. Scannell to advance the ordinance to the third reading. Motion carried.

### **COMMITTEE OF THE WHOLE**

Discussion and possible action on Chapados litigation, Brown County Case No. 12-CV-1747.

Moved by Ald. Moore, seconded by Ald. Steuer to convene in closed session.

Ald. Moore read the following: "The Council may convene in closed session pursuant to Section 19.85(1)(g), Wis. Stats., for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda."

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer. Noes: None. Motion carried.

Moved by Ald. Tim DeWane, seconded by Ald. Moore to reconvene in open session. Motion carried.

Moved by Ald. Moore, seconded by Ald. Scannell to direct legal staff to move forward with an offer of settlement as discussed in closed session. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to adjourn at 8:00 P.M. Motion carried.

Kris A. Teske  
Green Bay City Clerk